

**LAND USE CONTROL BOARD RECOMMENDATION**

**CASE #: P. D. 08-310 CC**

At its regular meeting on **Thursday, May 8, 2008**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting a planned development on the property described as follows:

**LOCATION:** East side of Southwind Park Cove; +/-182.82 feet north of Winchester Road

**OWNERS/APPLICANTS:** C & K Property Management, LLC

**REPRESENTATIVE:** Prime Development Group

**REQUEST:** Planned development amendment to allow a music or dancing academy and beauty shop in Parcel 5 of the Outline Plan.

**AREA:** 0.99 Acre(43,124 sq. ft.)

**EXISTING LAND USE & ZONING:** One-story brick and steel frame building currently governed by Offices of Southwind Planned Development(P.D. 02-354 CC).

**The following spoke in support of the application:**

*Mike Fahy*, representative; stated agreement with the recommendation of the staff and conditions of approval of the planned development amendment.

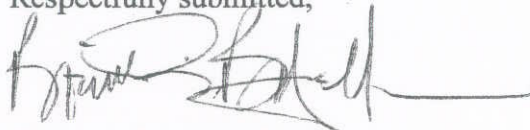
**No one spoke in opposition of the application.**

The Land Use Control Board viewed the application of '*C & K Property Management, LLC*', requesting a planned development amendment and the report of the staff. A motion was made and seconded to recommend approval of the application.

**The motion passed by unanimous vote of 7 to 0.**

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,



**Brian S. Bacchus**, Principal  
Mary L. Baker, Deputy Director  
Office of Planning and Development

**Cc:** P & Z Committee Members  
File

**Land Use Control Board**  
**OUTLINE PLAN CONDITIONS:**

- I. Uses Permitted: Amendments: **[Bold, Italic & Underlined]**
- A. In Parcels 1-5, any use permitted in the General Office (O-G) District by right or administrative site plan review. **In addition to above permitted uses: A music or dancing academy and beauty shop shall be allowed in Parcel 5-Only.**
- B. Alternatively, in Parcel 5, a Day Care Center with no outside play equipment, or a Senior Day Care Center.
- C. Alternatively, in Parcels 1 and 2, any of the following uses:
1. Photo studio
  2. Bakery, retail
  3. Bank
  4. Beauty or Barber Shop
  5. Cleaning Pick-Up
  6. Financial Services
  7. Photo Finishing and Pick-Up Station
  8. Flower or Plant Shop
  9. Restaurant limited to 20 seats and no drive-thru
  10. Retail Sales
  11. Services, Other Business and Personal
  12. Music or Dancing Academy
  13. Offices
  14. Personal Service Establishment
- II. Building Design:
- A. The maximum gross floor area on each parcel shall be limited to the following:
1. Parcel 1 – 11,625 sq. ft.
  2. Parcel 2 – 11,250 sq. ft.
  3. Parcel 3 – 12,000 sq. ft.
  4. Parcel 4 – 12,000 sq. ft.
  5. Parcel 5 – 12,000 sq. ft.
- B. The height of a building on any parcel shall be 24 feet, provided that the number of stories shall be limited to one.
- C. The architecture of the proposed building shall be similar to what is shown in the attached figures and elevations.



- D. A parapet wall shall be constructed around the roof of each building to equally screen any and all roof-mounted mechanical equipment.

### III. Access, Parking and Circulation:

- A. The developer shall construct, at his sole expense, a median modification in Winchester Road with location and design subject to the approval of the City/County Engineer.
- B. The design of the cul-de-sac end shall be subject to the approval of the City Engineer.
- C. The design and location of the curb cuts on Southwind Office Drive shall be subject to the approval of the City Engineer.
- D. Any existing nonconforming curb cuts shall be modified to meet the current standards of the City of Memphis and Shelby County or shall be closed with curb and gutter.
- E. Internal circulation shall be provided between all adjacent parcels.

### IV. Signs:

- A. Any attached signage shall consist of individual letters of logos no more than 24 inches in height. All letters shall be white and have a dark, earth-tone metal edge around each letter. Any lighting must be internal
- B. One detached ground-mounted center sign shall be permitted with a maximum size of 150 square feet per sign face. The sign shall be made of the same materials used in the nearest building, or an equivalent alternative subject to the approval of the Office of Planning and Development.
- C. Any signage will be set back a minimum of 15 feet from the right-of-way and shall be sited clear of the vision triangle.
- D. Outside flags, banners and temporary or moving signs are prohibited.

### V. Landscaping:

- A. A 30-foot streetscape planting shall be installed along the frontage of Winchester Road for the entire width of the development and continuing to include any portion of the outer 10 feet of the right-of-way that is unencumbered by sidewalk, easements, curbing or overhead utility wires, provided that the sidewalk may be curvilinear within the streetscape area, subject to the approval of the County Engineer. The streetscape shall consist of three rows of trees and shrubs as specified below, and a three-rail split cedar fence, to be installed by the developer and maintained by the Property Owners' Association. The northern planting row shall be Shrub A, planted 3 feet on center, and be maintained in a height of 24" to 30". The middle row shall include species from Tree B, tree C, and/or Tree D planted 30 feet on center in accordance with the standards in Chapter 29, Section M of the zoning ordinance. The southern row shall be a row of Yoshino cherry trees 10 feet to 12 feet in height and planted 40 feet on center.

- B. Landscape Plate A-1, A-2, A-3 or A-4 shall be installed on both sides of Southwind Office Cove by the developer and maintained by the property owner.
- C. The median of Winchester Road shall be landscaped with trees, shrubs and flowers in accordance with guidelines promulgated by the Technical Corridor Association. If the guidelines have been promulgated at the time the property is developed, the developer shall install the median landscaping. Otherwise the developer shall contribute the cost of installation to an escrow account controlled by the Property Owners' Association.
- D. A 40-foot landscape screen shall be installed by the developer and maintained by the property owner at the rear of Parcel 4. This screen shall consist of 4 rows of Tree 'D' planted in the pattern illustrated by plate B-5.
- E. A detailed landscaping plan shall be made a part of each final plan.
- F. Equivalent alternatives may be substituted for the landscaping required above, subject to the approval of the Office of Planning and Development.

VI. Final Plan Notes: The following notes shall be placed on the Final Plan:

- A. No adult entertainment or sexually oriented business shall be permitted in this phase of development.
- B. No outside speaker or paging system shall be permitted.
- C. Required landscaping shall not be placed on sewer or drainage easements.
- D. The existing storm water detention area shall be noted on the final plat by the phrase "Reserved for Storm Water Detention," and the following shall appear in the conditions: The existing storm water detention area shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris, and trash; mowing; outlet cleaning; and repair of drainage structures.
- E. A statement to this effect shall appear on the final plat: "All commons, open area, lakes, drainage detention facilities, private streets, private sewers and private drainage systems and common area landscaping as specified above shall be owned and maintained by a Property Owners' Association."



VII. Other:

The Land Use Control Board may modify the bulk, access, parking circulation, signage, lighting, landscaping, and other site design requirements if equivalent alternatives are presented, provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the legislative bodies.

VIII. A final plan shall be filed within five(5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- A. The Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved For Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning; and repair of drainage structures.

**P.D. 08-310 CC(formerly P.D. 02-354 CC)**

**The Offices of Southwind Planned Development, Amended**

## LAND USE OWNERSHIP DISCLOSURE

Please identify every person who has an ownership interest of 10% or more in the subject application whether they be the current owners, the contract buyers, or the lenders. If current owner or contract buyer are public corporations, please note the fact and list no other owners. Only lenders which are not institutions (banks, saving and loans or credit unions) need be listed.

	NAMES	ADDRESSES
<u>CURRENT OWNERS</u>	Roger Kelley, Jr.	656 Woodland Trace Lane Cordova, TN 38018
	_____	_____
	_____	_____
	_____	_____
<u>CONTRACT OWNERS/BUYERS</u>	N/A	_____
	_____	_____
	_____	_____
	_____	_____
<u>NON-INSTITUTIONAL LENDERS INCLUDING SELLER(S) IF THE PENDING SALE IS OWNER FINANCED</u>	N/A	_____
	_____	_____
	_____	_____
	_____	_____

# Shelby County Fiscal Impact Model

V. 3.1 11/27/06

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## Project Summary

Budget year dollars

P.D. 08-310cc

2006

Units

Average  
Appraised  
Value per Unit

Total  
Appraised  
Value

Total  
Assessed  
Value

Average  
Pupils Per  
New Unit

Pupils

### Project profile

Residential (dwelling units)

Residential - single family, detached

Residential - single family attached

Residential - condominium

Residential - multi-family apartment

Subtotal

### Commercial (square feet)

Commercial - office

Commercial - retail

Commercial - hotel/motel

Commercial - other

Subtotal

### Industrial (square feet)

Project total

### Project-related expenditures

General purpose

Transfers

Transfer to the Med

Transfer to Shelby County Bd of Ed

Transfer to City of Memphis Bd of Ed

Debt service

Schools

Roads

All other

Total expenditures

### Project-related revenue

Local taxes

Local revenue

State source

Elected officials

Investments, misc, other

Capital profers (annualized)

Total revenue

### Revenue offsets

Current real property tax on parcel land value

Net project fiscal impact

0	\$0	\$0	\$0	\$0	0.57	0.00
0	\$0	\$0	\$0	\$0	0.43	0.00
0	\$0	\$0	\$0	\$0	0.21	0.00
0	\$0	\$0	\$0	\$0	0.21	0.00
0	\$0	\$0	\$0	\$0	0.00	0.00

0	\$0	\$0	\$0	\$0		
0	\$0	\$0	\$0	\$0		
0	\$0	\$0	\$0	\$0		
12,317	\$1,248,600	\$15,379,006,200	\$6,151,602,480	\$6,151,602,480		
12,317		\$15,379,006,200	\$6,151,602,480	\$6,151,602,480		

0	\$0	\$0	\$0	\$0		
		\$15,379,006,200	\$6,151,602,480	\$6,151,602,480		

\$14,917

\$0
\$0
\$0
\$0
\$0
\$0
\$1,268
\$808
\$16,993

\$277,085,817

\$379
\$690
\$769
\$0
\$0
\$0
\$277,087,656

\$70,448,152

\$206,622,511